

**INITIAL STATEMENT OF REASONS
TITLE 13 ARTICLE 2.
DRIVER LICENSE AND IDENTIFICATION CARDS**

SECTION 15.04 Social Security Account Number Verification

This Statement of Reasons addresses the adoption of Section 15.04 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations regarding social security account number verification.

United States Code section 405(c)(2)(C)(i) authorizes the department, or any State agency, to utilize social security account numbers for the administrative purpose of establishing the identification of individuals served by the department. The code requires individuals being served to furnish the social security account number issued to the department. California Vehicle Code sections 12800 and 12801 require an application for an original or renewal driver license to contain an applicant's social security account number. Vehicle Code section 1653.5 requires a section for an applicant's social security account number on every form prescribed by the department for use by an applicant for the issuance or renewal of a driver's license or identification card. Every applicant submitting any departmental form containing a section for a social security account number is required to provide the social security account number to the department.

Vehicle Code section 12506 provides for the issuance of a temporary license while the department completes an investigation and determination of all the facts relative to an applicant's right to receive a driver license. Vehicle Code section 12809 specifies the conditions under which the department may refuse to issue or renew a driver license. Subdivision (b) of section 12809 authorizes the department to refuse to issue or renew a driver license if the applicant has failed to provide to the department the information required in the application or reasonable additional information requested by the department.

Section 15.04 Social Security Account Number Verification

Section 15.04 delineates social security account number verification information in relation to the issuance of a driver license or identification card.

Proposed section 15.04(a) requires the department to verify the authenticity of any social security account number provided on a driver license or identification card application. The verification will be performed directly with the Social Security Administration. Verification of a social security account number may include the use of electronic verification systems and manual methods. This is necessary in order to validate an applicant's eligibility for a driver license and/or identification card.

Section 15.04(b) prohibits the department from issuing a driver license or identification card, or a temporary license, interim license, or instruction permit unless the social security account number submitted to the department matches the records of the Social Security Administration. This is necessary to ensure only eligible applicants receive a driver license or identification card.

Section 15.04(c) prohibits the department from accepting an application for a driver license or identification card if the application does not include the applicant's social security account number, with one exception. This is necessary to ensure an incomplete application for a driver license and/or identification card is not processed unless the required social security account number is present.

Section 15.04(c)(1) and (c)(2) list the two conditions that must be present in order to qualify for an exception from the social security account number requirement. The social security account number is not necessary if the applicant submitted document(s) to the department that establish proof of legal presence in the United States. The department shall verify with the Department of Homeland Security that the applicant is in the country legally but is not authorized to work, and therefore ineligible for a social security number. This is necessary in order to comply with the *Lauderbach* decision, which ruled that individuals whose presence in the United States is authorized by federal law, but ineligible for a social security account number are entitled to a driver license or identification card.